

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN THE MATTER OF:

Wilbert L. Daye, Sr.

Josephine P. Daye

Debtor

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No. B-0381355 C-13D

ORDER

This matter coming before the Court upon the Motion of Richard M. Hutson, II, Trustee for the above-referenced Debtor, to disallow the balance of the claim in favor of MBIA, and there being no filed objection to the Motion within the time period set forth in the Notice issued on October 30, 2008, by the Clerk of Court setting December 10, 2008, as the deadline for filing objections to the Motion and the Court, after considering the Motion, finds the Motion should be allowed; therefore it is

ORDERED that the balance of the claim in favor of MBIA (Claim No. 30) is disallowed as the claim has been abandoned.

PARTIES IN INTEREST

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